

California Privacy Legislation Enacted in 2006

Effective January 1, 2007, Unless Noted Otherwise

Data Collection/Use Limits

SB 202 (Simitian) – Telephone Record “Pretexting”

This law prohibits the purchase or sale of any telephone calling pattern record or list without the written consent of the subscriber. *Penal Code § 638*

SB 506 (Poovichian) – Voter Privacy

If authorized by a local board of supervisors, a local election official must make the voter registration information of specified public safety officials confidential, upon application. The application of a public safety official for confidentiality would be a public record. The law also includes a voter’s signature on a voter registration card as part of confidential voter registration information and adds state and federal judges and court commissioners to the definition of public safety officials entitled to remove their home addresses and telephone numbers from public posting on the Internet. *Elections Code §§ 2194, 8105, 8202, 8204, 2166.7, and 8023, Government Code 6254.24*

SB 1364 (Battin) – Addresses on Marriage Licenses

This allows the parties or witnesses to a marriage to use a business address or a post office box rather than a residential address on a marriage license and certificate of registry. *Family Code § 351.5*

SB 1491 (Kuehl) – Domestic Violence Victim Privacy

This law prohibits a domestic violence victim service provider from being required to reveal the personally identifying information of its clients or potential clients as a part of applying for or receiving grants or financial assistance for its services. It defines “victim service provider” to mean a non-governmental organization that provides shelter or services to victims of domestic violence. *Civil Code § 1798.79.8*

SB 1699 (Bowen) – Credit/Debit Card Number Truncation

This law amends existing law requiring printing of no more than the last five digits or the expiration date on electronically generated credit card receipts to cover copies retained by merchants, in addition to customer copies. *Civil Code § 1747.09* *Effective January 1, 2009*

Identity Theft

AB 424 (Calderon) – Identity Theft: Personal Information

This law expands the definition of an identity theft victim to include a firm, association, organization, partnership, business trust, company, corporation, limited liability company, or public entity. *Penal Code §§ 530.5, 530.6, & 530.8* *Effective February 25, 2006.*

AB 618 (Cogdill) – Financial Crime

This law provides that a law enforcement agency may request, and a bank, credit union, or savings association must then provide, surveillance photographs and video recordings of a person accessing a crime victim's financial account via an ATM or from within the financial institution, as specified. *Government Code § 7480*

AB 2043 (Committee on Banking and Finance) – Identity Theft: Debt Collection

This law provides a firm, association, organization, partnership, business trust, company, corporation, or limited liability company with the same rights as an individual to contest any debt that has resulted from identity theft. *Civil Code §§ 1788.2 and 1788.18*

AB 2886 (Frommer) – Identity Theft Penalties

This law creates new crimes and penalties related to identity. Among other things, it provides the following: 1) enhanced penalties for those previously convicted of identity theft, 2) requirement that court records reflect that the person whose identity was used to commit the crime did not commit it, 3) enhanced penalties for fraudulently acquiring or possessing personal identifying information of 10 or more people, 4) penalties for selling, transferring, or conveying personal information with knowledge that it will be used to commit identity theft or with intent to defraud, 5) state penalty for mail theft, and 6) addition of professional or occupational number to definition of personal identifying information. *Penal Code §§ 530.5 and 530.55*

SB 1390 (Poochigian) – Identity Theft Crime Statistics

This law requires the Department of Justice to include information on arrests for identity theft crimes in the annual report on criminal statistics provided to the Governor. *Penal Code § 13012.6*

Information Security

AB 2291 (Evans) – Motor Vehicle Dealer Data Access

This law prohibits auto manufacturers and distributors from accessing, modifying, or extracting information from an auto dealer's computer system without providing safeguards to protect that information. It also prohibits a computer vendor from accessing, modifying, or extracting information from an auto dealer's computer system without first obtaining the dealer's express consent and providing safeguards to protect that information. *Vehicle Code §§ 11713.3 and 11713.25*

AB 2415 (Nuñez) – Wireless Network Security

This law requires devices that include an integrated and enabled wireless access point that are manufactured on or after October 1, 2007, to include a warning that advises consumers about how to protect their personal information and mitigate unauthorized use of their Internet access, and provide other specified protection measures. *Business & Professions Code §§ 22948.5-22948.7*

Online Privacy

AB 2005 (Emmerson) – Online Privacy: Public Safety Officials

This law adds new categories of public safety officials to those who may have their home addresses and phone numbers removed from posting on the Internet. *Government Code § 6254.24*

AB 2251 (Evans) – Online Privacy: Reproductive Health Care

This law protects the personal safety of reproductive health care providers, employees, volunteers, and patients by prohibiting the posting of any such person's home address, phone number, or image on the Internet, under specified circumstances. *Government Code § 6218 et seq.*